IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

MONDAY, THE 5TH FEBRUARY 2007 / 16TH MAGHA 1928

WP(C).No. 2016 of 2007(M)

PETITIONER:

P.K.AMMINI, PHARMACY ATTENDER,
GOVERNMENT AYURVEDA DISPENSARY, KOSADI,
MUNDAKAYAM, KOTTAYAM DISTRICT.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT, DEPARTMENT OF
HEALTH & FAMILY WELFARE SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR, INDIAN SYSTEM OF
MEDICINES, THIRUVANANTHAPURAM.

3. THE DISTRICT MEDICAL OFFICER,
INDIAN SYSTEM OF MEDICINES, KOTTAYAM.

4. THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF GENERAL EDUCATION,
SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO.2016 of 2007

Dated this the 5th day of February, 2007

JUDGMENT

Heard counsel for the petitioner and the Government Pleader for the respondents.

2. The petitioner is a Pharmacy Attender working in the Government Ayurveda Hospital in the Kottayam District. When steps were taken to revert her from the post of Pharmacy Attender which is included in the last grade service, she filed O.P.No.22367/2001. This Court, as per Ext.P6 judgment dated 20.6.2006, directed the respondents to issue notice to the petitioner calling upon her to submit objections, to consider such objections and to pass a speaking order. During the pendency of the above O.P., there was an interim order staying the reversion of the petitioner. In purported compliance of Ext.P6 judgment, the third respondent issued Ext.P8 notice directing the petitioner to submit her objections. In response to Ext.P8, the petitioner filed Ext.P12 detailed representation. Thereafter Ext.P13 order has been passed by the third respondent.

3. It is contended on behalf of the petitioner that the third respondent has not considered the contentions urged by the petitioner

in Ext.P12 in support of her case that she shall be deemed to have passed 7th standard as she had appeared for SSLC examination, though failed to secure a pass. Ext.P13 does not advert to the above contentions of the petitioner, she had specifically stated in Ext.P12. In fact, none of the contentions raised in Ext.P12 find a place in Ext.P13. It is, therefore, evident that the third respondent has not passed orders in due compliance of the directions in Ext.P6 judgment. Though the above noncompliance may not be wilful, what follows is that Ext.P13 liable to be set aside as it is neither a speaking order nor an order passed after taking note of the contentions in Ext.P12. For the above reasons, Ext.P13 is set aside. The third respondent is directed to pass fresh orders after considering the contentions urged in Ext.P12. This shall be done as expeditiously as possible. Till then, the petitioner shall be permitted to continue in the post of Pharmacy Attender, provided Ext.P13 order has not taken effect.

K.K.DENESAN, JUDGE

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